

1 AARON D. FORD  
2 Nevada Attorney General  
3 MICHELLE DI SILVESTRO ALANIS (Bar No. 10084)  
Supervising Senior Deputy Attorney General  
4 GERALD L. TAN (Bar No. 13596)  
Deputy Attorney General  
5 Office of the Attorney General  
555 E. Washington Ave., Ste. 3900  
6 Las Vegas, NV 89101  
Telephone: (702) 486-3268  
Facsimile: (702) 486-3773  
E-Mail: [malanis@ag.nv.gov](mailto:malanis@ag.nv.gov)  
[gtan@ag.nv.gov](mailto:gtan@ag.nv.gov)

8 *Attorneys for Defendant, Attorney General's Office*

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 BYFORD "PETER" WHITTINGHAM, an  
individual,

12 Plaintiff,

13 vs.

14 THE STATE OF NEVADA, ex. rel. NEVADA  
ATTORNEY GENERAL'S OFFICE, a  
Subdivision of the State of Nevada; DAVID  
15 O'HARA, an Individual, JANE DOE an  
Individual; DOES 1-50; inclusive,

16 Defendants.

17 CASE NO. 2:20-cv-00811-GMN-EFY

18  
**STIPULATION AND ORDER EXTENDING**  
**TIME TO ANSWER OR OTHERWISE**  
**RESPOND TO THE PLAINTIFF'S FIRST**  
**AMENDED COMPLAINT (ECF 35)**

19  
**(SECOND REQUEST)**

20  
Defendant, NEVADA ATTORNEY GENERAL'S OFFICE, by and through their attorneys,  
21 AARON D. FORD, Attorney General for the State of Nevada, MICHELLE DI SILVESTRO ALANIS,  
Supervising Senior Deputy Attorney General, and GERALD L. TAN, Deputy Attorney General, and  
22 Plaintiff, BYFORD "PETER" WHITTINGHAM, by and through his attorneys, JENNY L. FOLEY,  
ESQ. and DANA SNIEGOCKI, ESQ. hereby stipulate pursuant to LR IA 6-1, LR IA 6-2 to stay the  
23 time for Defendant to respond to the First Amended Complaint and to stay discovery until an Order is  
24 filed and an operative Complaint is determined. This is the second request to extend the time to respond  
25 to the First Amended Complaint.

26  
On September 22, 2020, United States Magistrate Judge Youchah entered an Order and Report  
27 and Recommendation (ECF 31) regarding Plaintiff's Motion for Leave to Amend (ECF 18).

1 Plaintiff filed his First Amended Complaint (FAC) on November 12, 2020 (ECF No. 35).

2 The parties stipulated to stay a response until after an Order from the United State District Court  
3 Judge adopting the recommendations of Judge Youchah.

4 On December 7, 2020, United States District Court Judge Navarro entered her Order (ECF 38).

5 The stipulation proposed that the Defendant's response be filed 15 days following the Order or  
6 December 22, 2020.

7 Defendant's counsel's current workload, ongoing challenges of the pandemic, family illness and  
8 previously scheduled leave has prevented the ability to meet this deadline. Additionally, the FAC  
9 includes approximately 22 pages of factual allegations that require counsel to properly gather  
10 information to adequately and accurately respond to the FAC. Lastly, Defendant David O'Hara, has not  
11 been personally served with the FAC. It is anticipated that Defendant O'Hara would request  
12 representation from the Attorney General, and it is possible that only one response to the FAC may be  
13 filed.

14       ///

15       ///

16       ///

17       ///

18       ///

19       ///

20       ///

21       ///

22       ///

23       ///

24       ///

25       ///

26       ///

27       ///

28       ///

1       Therefore, based on the foregoing the parties stipulate and agree through their respective  
2 counsel, that this Court grant Defendant an extension of time, up to and including January 13, 2020, to  
3 file an answer or otherwise respond to Plaintiff's First Amended Complaint. This request is made in  
4 good faith and not for purposes of delay.

5 DATED: December 21, 2020.

6 AARON D. FORD  
7 Attorney General

8 By: /s/ Michelle Di Silvestro Alanis  
9 Michelle Di Silvestro Alanis (Bar. No. 10024)  
10 Supervising Senior Deputy Attorney General  
11 Gerald L. Tan (Bar No. 13596)  
12 Deputy Attorney General  
13 *Attorneys for Defendant, Attorney General's  
14 Office*

DATED: December 21, 2020.

HKM Employment Attorneys. LLP

By: /s/ Jenny L. Foley  
Jenny L. Foley, Esq. (Bar No. 9017)  
Dana Sniegocki, Esq. (Bar No. 11715)  
1785 E. Sahara Ave. Ste. 300  
Las Vegas, NV 89104  
(702)-805-8340  
*Attorneys for Plaintiff*  
[Permission to sign electronically received in  
writing]

15 **ORDER**

16 IT IS SO ORDERED.

17 DATED this 21st day of December, 2020.

18   
19 Elayna Youchah  
20 ELAYNA YOUC~~A~~H  
21 UNITED STATES MAGISTRATE JUDGE  
22  
23  
24  
25  
26  
27  
28